

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD THE PATENT APPEALS AND INTERFERENCES

Application of

Applicants : Vidler et al  
Serial No. : 10/822,386  
Filed : April 12, 2004  
Title : DATA CARRIER FOR HEALTH RELATED INFORMATION  
Docket : STD 1222 PA/41213.596  
Examiner : Jamila O. Williams  
Art Unit : 3722  
Conf. No. : 2855

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**BRIEF ON APPEAL**

This is an appeal from the Office Action of October 15, 2007, finally rejecting claims 1, 2, 4, 6, 13 and 15. A Notice of Appeal was timely filed on February 12, 2008, with the accompanying fee. A credit card payment in the amount of \$630 accompanies this Brief in accordance with 37 CFR §41.20(b)(2), and in accordance with 37 CFR §1.17(a)(1). A request for extension of time accompanies this brief.

I. Real Party in Interest

The real party in interest is the assignee of the instant application, The Standard Register Company, a corporation of the state of Ohio, with a principal place of business at 600 Albany Street, Dayton, Ohio 45408.

## II. Related Appeals and Interferences

There are no other prior or pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## III. Status of the Claims

Claims 1, 2, 4, 6, 13 and 15 stand finally rejected, and are the subject of this appeal. Claims 3, 5, 7, 8, 9, 10, 11, 12, and 14 stand withdrawn.

## IV. Status of Amendments

No amendments were filed subsequent to the final rejection of October 15, 2007, from which this appeal is taken.

## V. Summary of the Claimed Subject Matter

The present invention relates to a data carrier that provides health related information regarding a patient, and facilitates compliance with HIPAA by obscuring the association between the name of the patient and the health related information when the data carrier is to be discarded.

Independent claims 1 and 13 are reproduced below with reference to the reference number used in the drawings and specification, the specific drawings, the page of the specification, and the paragraph number where the elements are shown and described.

1. A data carrier (10, Fig. 1, page 6, para. 0023; 10, Fig. 2; 10, Fig. 3) for providing health related information regarding a patient, and for obscuring the association

between the identity of the patient and the health related information when the data carrier is to be discarded, comprising:

a release liner (12, Fig. 1, page 6, para. 0023; 12, Fig. 2, page 9, para. 0028; 12, Fig. 3),

a health information label (14, Fig. 1, page 6, para. 0023; 14, Fig. 2, page 9, para. 0028; Fig. 3, page 9, para. 0029) having an upper surface (16, Fig. 1, page 6, para. 0023; 16, Fig. 3) and a lower surface, said label including a first area (24, Fig. 1, page 7, para. 0023; 24, Fig. 2, page 9, para. 0028; 24, Fig. 3) on said upper surface for indicia specifying health related information and a second area (26, Fig. 1, page 7, para. 0023; 26, Fig. 2, page 9, para. 0028; 26, Fig. 3) on said upper surface for indicia specifying the identity of a patient,

a pressure sensitive adhesive coating (para. 0023; para. 0028) on said lower surface of said health information label, securing said health information label to said release liner, and

a masking label (28, Fig. 1, page 7, para. 24; 28, Fig. 2, page 9, para. 0028; 28, Fig. 3, page 9, para. 0029) integral with said health information label, and

a die cut (34, Fig. 1, page 7, para. 0024; 34, Fig. 2, page 9, para. 0028; 34, Fig. 3) in said release liner defining a removable liner piece (36, Fig. 1, page 7, para. 0024; 36, Fig. 2, page 9, para. 0028; 36, Fig. 3) beneath said masking label, said removable liner piece being removable from said release liner with said health information label and remaining thereon when said health information label is applied to a surface, said removable liner piece permitting the removal of said masking label from said health information label so that said masking label can be applied over one or both of said first and second areas to obscure the association between the identity of the patient and said health related information when the data carrier is to be discarded.

13. A data carrier (10, Fig. 1, page 6, para. 0023; 10, Fig. 2; 10, Fig. 3; 10, Fig. 4, page 10, para. 30; 10, page 10, para. 32) for providing health related information regarding a

patient, and for obscuring the association between the identity of the patient and the health related information when the label is to be discarded, comprising:

a release liner (12, Fig. 1, page 6, para. 0023; 12, Fig. 2, page 9, para. 0028; 12, Fig. 3; 12, page 10, para. 0030; 12, page 10, para. 0032; 72, Figs. 6, 7, and 8, page 11, page 12, para. 0034) having an upper surface and a lower surface,

a first label (14, Fig. 1, page 6, para. 0023; 14, Fig. 2, page 9, para. 0028; 14, Fig. 3, page 9, para. 0029; 40, Fig. 4, page 10, para. 0030; 52, Fig. 5, page 10, para. 0032; 74, Fig. 6, Fig. 7, page 11, page 12, para. 0034, para. 0035) having an upper surface (16, Fig. 1, page 6, para. 0023; 16, Fig. 3; 42, Fig. 4, page 10, para. 0030; 54, Fig. 5, page 10, para. 0032; 76, Fig. 6, page 11, para. 0034) and a lower surface, said label including a first area (24, Fig. 1, page 7, para. 0023; 24, Fig. 2, page 9, para. 0028; 24, Fig. 3; 44, Fig. 4, page 10, para. 0030; 56, Fig. 5, page 10, para. 0032; 78, Fig. 6, page 11, para. 0034) for indicia specifying health related information and a second area (26, Fig. 1, page 7, para. 0023; 26, Fig. 2, page 9, para. 0028; 26, Fig. 3; 48, Fig. 4, page 10, para. 0030, para. 0031; 58, Fig. 5, page 11, para. 32; 80, Fig. 6, page 11, para. 0032) on said upper surface for indicia specifying the identity of a patient,

a pressure sensitive adhesive coating (para. 0023; para. 0028; para. 0030; para. 0032; 82, Fig. 7, page 12, para. 0034) on said lower surface of said first label, securing said first label to said release liner, and

a second label (28, Fig. 1, page 7, para. 24; 28, Fig. 2, page 9, para. 0028; 28, Fig. 3, page 9, para. 0028; 49, Fig. 4, page 10, para. 0030; 60, Fig. 5, page 11, para. 0032; 86, Figs. 6, 7, and 8, page 12, para. 0034) integral with said data carrier, said second label defined by a die cut (32, Fig. 1, page 7, para. 0024; 22, Fig. 2, page 9, para. 0028; 22, Fig. 3; 50, Fig. 4, page 10, para. 0030; 62, Fig. 5, page 11, para. 0032; 87, Figs. 7 and 8, page 12, para. 34) in one of said first label or said release liner,

said second label configured such that upon removing said first label from the release liner, said second label remains with said first label when the first label is adhesively applied to a surface, and when said second label is subsequently separated from said first label, said second label is adapted to disassociate the identity of said patient from said health related information.

#### VI. Grounds of Rejection To Be Reviewed On Appeal

Appeal is taken from the final rejection of claims 1, 2, 4, 13 and 15 under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 7,048,308, issued May 23, 2006, to Blank. The Examiner relies upon the Blank reference in conjunction with the citation of *In re Gulack*, 217 U.S.P.Q. 401 (Fed. Cir. 1983).

Appeal is also taken from the final rejection of claim 6 under 35 U.S.C. §103(a) as unpatentable over the Blank reference in view of U.S. Pat. No. 4,549,750, issued October 29, 1985 to Stone.

#### VII. Argument

##### The Invention

The present invention relates to a unique data carrier that makes it easier to keep the prescriptions and other information of a patient confidential, and in particular to keep patient information from being retrieved by unauthorized individuals from discarded documents, records, and other materials containing identifiable patient information. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule created national standards for guarding individuals' medical records, and it is the policy of most health care facilities to do so, as well. Shredding or incinerating items, such as empty plastic pill vials, discarded patient ID bracelets, and used plastic bags, that carry labels linking patient identities with patient medical information is expensive and time

consuming. The present invention provides an improved way of maintaining the confidentiality of patient information when such materials are discarded.

The present invention contemplates a number of embodiments which disassociate the patient identity from the patient's medical information, but a review of the embodiment of Fig. 3 may be instructive. A data carrier 10 includes a health information label 14, and a masking label 28. The data carrier is configured to permit the association between the name of the patient ("John Doe" in the example) and the health related information ("Amoxicillin 250 mg" in the example) to be obscured when the data carrier is about to be discarded. The data carrier includes a release liner 12. The health information label 14 has an upper surface 16 and a lower surface, and a pressure sensitive adhesive coating on the lower surface of the health information label 14 which secures the health information label to the release liner 12. The health information label 14 is made up of a first portion 18 and a second portion 20, with the first and second portions being separated by a line of die cut perforations 22. Alternatively, die cut line 22 may be a continuous die cut. The label 14 includes a first area 24 on the upper surface 16 for indicia specifying health related information, such as an identification of medication, and a second area 26 on the upper surface 16 for indicia specifying the identity of a patient.

Beneath the masking label 28 is a die cut 34 in the release liner defining a removable liner piece 36. The removable liner piece 36 is removed from the release liner with the health information label 14 and remains with it when the health information label 14 is applied to a surface, such as for example the outer surface of a pharmaceutical container. When used in this manner, the liner piece 36 remains between the label 14 and the container surface and is surrounded along three edges by adhesive that secures the lower surface of the label 14 to the container surface. When the container is emptied and about to be discarded, the masking label 28 is removed from the liner piece 36 so that the masking label 28 can be applied over one or both of the first and second areas 24 and 26 to obscure the association between the name of the patient and the health related information.

The pressure sensitive adhesive coating on the lower surface of the label 14 comprises a permanent adhesive. As a consequence, applying the masking label 28 over one or both of the first and second areas 24 and 26 obscures the association between the name of the patient and the health related information, and an attempt to remove the masking label 28 from the health information label 14 will result in the destruction of the label 14 to a degree needed to render the covered information illegible.

#### Claims 1 and 4

Claims 1 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Blank reference. The Examiner states that he relies upon the "rationale" of *In re Gulack*, 217 USPQ 401 (Fed.Cir. 1983) in making this rejection. In the Advisory Action of January 30, 2008, the Examiner discusses the Blank reference, asserting that the "sole difference between the Blank reference and the present invention is the arrangement and/or content of the printed matter." The Examiner then goes on to state: "Since the examiner finds that there is no functional relationship of the printed material to the substrate, altering the arrangement and/or content of the indicia (such that the first and second indicia areas provide patient identity and health related information and the label 32 provides masking indicia for example would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the rationale of *Gulack*." [sic] The Examiner essentially is asserting that there is no functional relationship between the claimed printed matter and the balance of the claimed elements, and therefore any change in the position or content of the printed matter of the Blank would be obvious.

The Examiner is in error with respect to both of these points. More specifically, 1.) there is, in fact, a functional relationship between the claimed printed matter and the balance of the claimed elements, and 2.) changing the position and content of the printed matter of the Blank reference to the position and content of the printed matter called out in claims 1 and 4 would not have been obvious to a person of ordinary skill.

The Examiner ignores the facts of *In re Gulack*, and in doing so misinterprets the holding of this case. *In re Gulack* did not broadly hold that printed matter claim limitations are not to be given patentable weight in assessing the patentability of the claim. In point of fact, it held just the opposite. The invention of *In re Gulack* was held by the Federal Circuit to be patentable over the prior art precisely because the claims included limitations to printed matter that were not ignored, limitations that distinguished those claims from the prior art.

*In re Gulack* dealt with the patentability of patent application claims to a "band," such as an endless loop of paper, on which were printed a plurality of digits at regularly spaced intervals. The digits were integers that were generated by a specific algorithm. This band was capable of being used for "magic tricks" and also "to display various aspects of number theory." In the *Gulack* case, the Board had affirmed a rejection based on a prior art band that carried different indicia. The Board had given no patentable weight to the claim limitations regarding the printed digits. The Federal Circuit reversed the Board, holding that the claim limitations as to the printed numbers could not be ignored in comparing the claim to the prior art. The Court held that the printed matter is to be considered to establish patentability if the printed matter is functionally related to the substrate on which it is printed.

In the *Gulack* case, the Court found this functional relationship because (1) the band "supports" the digits, and (2) there is an endless sequence or loop of such digits on the band with each digit in a unique position with respect to every other digit in the endless loop. Broadly speaking, this is similar to the claimed invention in the present application. First, the health information label supports the indicia specifying the health related information and the identity of the patient in the first and second areas. Second, the position of the first and second areas on the health information label and the size of the first and second areas on the health information label are such that the masking label can be applied over one or both of these areas to obscure the association between the identity of the patient and the health related information. The recited position of the printed matter on the label and the recited content of the printed matter



on the label are both important to the operability of the present invention, just as the claimed position and claimed content of the printed numbers in the *Gulack* invention were important to the operability of the Gulack device. It is clear that, under the holding of *In re Gulack*, there is a functional relationship between the claimed printed matter and the balance of the claim elements in claims 1 and 4. This being the case, patentable weight must be given to the printed matter limitations of these claims, and the obviousness of modifying the Blank disclosure so that it includes all of the claim limitations of claims 1 and 4 determined. Obviousness of the claims, including the printed matter limitations, is to be assessed in the same way that the obviousness of modifying the disclosure of any other reference in the setting of a 35 U.S.C. §103 rejection is assessed.

*In re Ngai*, 70 USPQ2d 1862 (Fed.Cir. 2004) is a Federal Circuit case, also dealing with the issue of printed matter, which interprets and explains *In re Gulack*. The Examiner, in the advisory action of January 30, 2008, dismisses applicants' previous discussion of the *In re Ngai* by asserting "this case and its particulars were not relied on in the action and there fore [sic] no further [sic] comment is provided herein." This comment seems to imply that Federal Circuit decisions are similar to prior art references - if the Examiner does not rely upon them in making a rejection, any comments about them by the applicants are immaterial, and can simply be ignored by the Examiner. Of course, this is not the law.

In *In re Ngai*, the Federal Circuit held that the claim limitation of an instruction sheet packed in the same container with a prior art RNA testing kit was not a claim limitation that rendered the claim to the kit patentable, even though the method of use printed on the sheet was non-obvious. The prior decision, *In re Gulack*, was distinguished by the Federal Circuit in *In re Ngai*. The applicant in *In re Ngai*, according to the Court, was entitled only to method claims covering the new method of using the kit, not to apparatus claims or article claims on the kit *per se*. The printed matter in *In re Ngai* was printed on a separate sheet of paper. In point of fact, the printed matter simply conveyed information and it was unimportant where the printed indicia were

printed. The location of the printed matter was irrelevant because there was no functional relationship between the printed matter and the balance of the claim elements (the kit components) that were listed in the claim.

The functional relationship between the printed matter and the balance of the claim elements in claims 1 and 4 is completely different than that in the claims of *In re Ngai* (in which the claim recitation of the printed matter was given no weight) and very similar to that in the claims of *In re Gulack* (in which the claim recitation of the printed matter was found to distinguish the claim from the prior art). In *In re Gulack*, it was important that the specific numbers selected by the algorithm appeared on the endless band, and it was equally important where the numbers appeared on the endless band. This is because there was a functional relationship between the printed matter and the band. If the numbers were not in the correct position on the endless band, the *Gulack* device would not work. In *In re Ngai*, on the other hand, it really did not matter where the instructions were printed - on a sheet of paper, on a container, etc. - because the printed instructions did not have a functional relationship with the kit components and the kit could be used according to the instructions regardless where those instructions were printed.

The invention in the present application contemplates printed matter that is functionally related to the structure of the invention. The masking label is sized so that it can be applied over one or both of the first and second areas to obscure the association between the identity of the patient and the health related information. In the present invention, it matters where the first and second areas are located, and it matters that at least one of the first and second areas is not on the masking label "so that said masking label can be applied over one or both of said first and second areas to obscure the association between the identity of the patient and the health related information when the data carrier is to be discarded." The Blank reference is distinguishable on just this basis. Both the name of the patient and the health information are printed on a central label tab 32 of Blank, and this precludes the disassociation of the patient identification information and the health information that is the object of the present invention.

The Blank reference discloses a label construction that differs significantly from the present invention. As shown in FIG. 3 of Blank, the main label 14, including central tab 32, is initially removed from the liner 18 to expose the adhesive 20 on the back side of the label rim. Note that no adhesive is exposed on the back side of the tab 32 by virtue of a liner tab 40. The label is adhered to a pharmaceutical container 26 using the exposed adhesive 20 around the label rim. The face side of the main label 14 and its central tab 32 expose to view all of the patient identification and patient health related information, information which it is desired to keep confidential.

In Blank, when container 26 is emptied, before it is discarded, the confidential information 30 is removed from the container by tearing away the printed tab 32 from the label rim 34. The rim 34 remains permanently bonded to the container. The slits 36 in the main label provide a convenient means for initiating tearing of the label tab 32 from the remaining label rim. The liner 18 includes a diecut 38, spaced inboard from the perimeter of the liner to define a central liner tab 40. The liner tab 40 is laminated to, and corresponds substantially in size and configuration with, the label tab 32. In the arrangement of Fig. 3, the printed tab 32 could not be used as a masking label since its adhesive layer is covered by the liner tab 40, and also since the patient information that should be masked is in fact carried on the printed tab 32. Fig. 5 of Blank shows a similar arrangement in which the liner tab 40 carries a release coating 44 which permits, the label tab 32 to be separated from the liner tab 40 after the tab 32 and the tab 40 have been removed from the main label so that the tab 32 can then be bonded to another object, such as a record sheet. In this arrangement, as in the arrangement of Fig. 3 of Blank, the tab 32 carries both the patient name and the patient medication. As a result, there is no disassociation of the patient identity information from the patient medical information in the Blank data carrier.

It is clear that it would not be obvious to modify the excisable pharmaceutical label of Blank in the manner suggested by Blank. The Examiner has pointed to Fig. 5 of Blank and column 4, lines 38 to 54 as teaching a removable masking label that could be applied over printed information on the label. However, it should be pointed out that

modifying Blank in this manner is counter to the explicit teachings of Blank. Blank suggests putting the label information on the removable label so that it can be removed and applied to a common record sheet. It would not be obvious to modify the label of Blank so that this could not be done; that is, it would not be obvious to modify the label of Blank so that it could not be used for its intended purposes.

#### Claim 2

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Blank reference. The Examiner relies upon the "rationale" of *In re Gulack*, 217 USPQ 401 (Fed.Cir. 1983) in making this rejection. Claim 2 depends from claim 1 and is patentable over the Blank reference for the same reasons as given above in regard to claim 1. Further, claim 2 specifies that "said first and second areas are on a first portion of said health information label, and said masking label is on a second portion of said health information label, said first and second portions being separated by a line of die cut perforations." There is clearly nothing like this in the disclosure of Blank. If, as the Examiner asserts, label tab 32 constitutes the masking label of the Blank patent, there is no structure in Blank that corresponds to the claimed "cut perforations" that are between the masking label and the patient identification and health information areas. Further, there is no reason why a person of ordinary skill would be lead to modify the Blank label construction to add such "cut perforations."

#### Claim 6

Claim 6 has been rejected under 35 U.S.C. §103(a) as unpatentable over the Blank reference in view of the Stone reference. The rejection is essentially the same as discussed above in regard to claim 1, with the Stone reference being added for a teaching of a removable liner piece that extends beyond the edge of a label to facilitate the removal of part of the label. Claim 6 depends from claim 1 and is patentable over the Blank reference for the same reasons presented above with respect to claim 1. Stone does nothing to cure the basic defects in the rejection as set out above in regard

to claim 1. Neither Blank nor Stone teaches a masking label as called for in the claim with one or both of the first and second areas being positioned elsewhere on the health information label so that the masking label can be applied over them. As stated above with respect to claim 1, it would not be obvious to modify the pharmaceutical label construction of Blank in this manner.

### Claims 13 and 15

Claims 13 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Blank reference. As with claims 1, 2, 4, and 6, the Examiner relies upon the "rationale" of *In re Gulack*, 217 USPQ 401 (Fed.Cir. 1983) in making this rejection.

The Examiner essentially asserts that there is no functional relationship between the claimed printed matter and the balance of the claimed elements, and therefore any change in the position or content of the printed matter of the Blank would be obvious. As with claims 1, 2, 4 and 6, discussed above, claims 13 and 15 specify the invention with a functional relationship between the printed matter called for in claims 13 and 15, and the balance of the elements of claims 13 and 15. Claim 13 requires that the health related information and the patient identity both be on the first label, and that a second label be integral with the data carrier, and be die cut from one of the first label or the release liner. The second label cannot carry both the patient identity and the medical information, if the data carrier is to function. It will be noted that both the patient identity information and the medical information are carried on the removable tab of Blank. It would not be obvious to change the positioning of the patient identity information and the medical information on the Blank label as this would impact the way in which the Blank label is used.

Claim 13 calls for a "second label configured such that upon removing said first label from the release liner, said second label remains with said first label when the first label is adhesively applied to a surface, and when said second label is subsequently separated from said first label, said second label is adapted to disassociate the identity of said patent from said health related information." None of this is suggested by Blank.

As is apparent from Fig. 3 of Blank, when the label tab 32 is removed from the balance of the label, both the patient identity and the medical information remain associated. It is asserted that there is a functional relationship between the claimed printed matter and that all of the claim elements, including those related to the printed matter, cannot be ignored. Giving attention to the elements of claim 13, it is apparent that it would not be obvious to modify the label of Blank to include the limitations claim 13. Nothing in either Blank or Stone suggests disassociating the patient identity information from the medical information. It is submitted, therefore, that claim 13, and claim 15 which depends from claim 13, are allowable over the prior Blank and Stone references.

### CONCLUSION

It is submitted that the claims pending in the instant application are allowable. Reversal of the final rejection of claims 1, 2, 4, 6, 13 and 15 in the Office Action of October 15, 2007 is respectfully requested.

Respectfully submitted,  
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### VIII. CLAIMS APPENDIX

1. A data carrier for providing health related information regarding a patient, and for obscuring the association between the identity of the patient and the health related information when the data carrier is to be discarded, comprising:

a release liner,

a health information label having an upper surface and a lower surface, said label including a first area on said upper surface for indicia specifying health related information and a second area on said upper surface for indicia specifying the identity of a patient,

a pressure sensitive adhesive coating on said lower surface of said health information label, securing said health information label to said release liner, and

a masking label integral with said health information label, and

a die cut in said release liner defining a removable liner piece beneath said masking label, said removable liner piece being removable from said release liner with said health information label and remaining thereon when said health information label is applied to a surface, said removable liner piece permitting the removal of said masking label from said health information label so that said masking label can be applied over one or both of said first and second areas to obscure the association between the identity of the patient and said health related information when the data carrier is to be discarded.

2. The data carrier of claim 1, in which said first and second areas are on a first portion of said health information label, and said masking label is on a second portion of said health information label, said first and second portions being separated by a line of die cut perforations.

4. The data carrier of claim 1, in which said pressure sensitive adhesive coating on said lower surface of said label comprises a permanent adhesive, whereby applying said masking label over one or both of said first and second areas to obscure the association between said name of said patient and said health related information when the data carrier is to be discarded obscures the association between the name of the patient and the health related information.

6. The data carrier of claim 1, in which said masking label is smaller than said removable liner piece beneath said masking label, and in which said removable liner piece extends beyond the edge of said health information label such that said removable liner piece may be used to remove said masking label.

13. A data carrier for providing health related information regarding a patient, and for obscuring the association between the identity of the patient and the health related information when the label is to be discarded, comprising:

a release liner having an upper surface and a lower surface,

a first label having an upper surface and a lower surface, said label including a first area for indicia specifying health related information and a second area on said upper surface for indicia specifying the identity of a patient,

a pressure sensitive adhesive coating on said lower surface of said first label, securing said first label to said release liner, and

a second label integral with said data carrier, said second label defined by a die cut in one of said first label or said release liner,

said second label configured such that upon removing said first label from the release liner, said second label remains with said first label when the first label is adhesively applied to a surface, and when said second label is subsequently separated



from said first label, said second label is adapted to disassociate the identity of said patient from said health related information.

15. The data carrier of claim 13, in which said second label is defined by a die cut in said first label.

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED PROCEEDINGS APPENDIX

Not applicable.